IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.Rev.Pet.No. 986 of 1999

CRA.194/1996 of ADDL.SESSIONS COURT, KOTTAYAM
ST.1392/1995 of JUDL.MAGISTRATE OF FIRST CLASS-II, KANJIRAPPALLY
.....

REVN. PETITIONER:

V.G. SSYAMKUMAR, S/O. GOPALAKRISHNA PILLAI
VALIYA VEETTIL HOUSE, NEAR POST OFFICE,
MUNDAKKAYAM, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

SUB INSPECTOR OF POLICE, PONKUNNAM, KOTTAYAM
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY ADV. PUBLIC PROSECUTOR MR. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/03/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO.4560/1999 IN CRL.R.P.NO.986/1999

DISMISSED.

19-3-2007 **SD/-K.R.UDAYABHANU, JUDGE**

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.986 OF 1999

DATED THIS THE 19TH DAY OF MARCH 2007

ORDER

The revision petitioner stands convicted for the offence under Section 51(a) of the Kerala Police Act and sentenced to undergo simple imprisonment for 15 days and to pay a fine of R.50/- and in default to simple imprisonment for seven days. The allegation is that on 18-9-1995 at 8.30 p.m. the accused was found drunk and causing nuisance to the people in front of K.K.Road near Government Hospital.

The evidence adduced consisted of the testimony of Pw1, the police constable and PW2, the doctor who issued Ext.P1 certificate of drunkenness. The contention of the revision petitioner is that the version in the complaint and that PW1, the police constable who is the only witness to the occurrence are inconsistent. As per the complaint, the incident was witnessed by the Sub Inspector of Police who filed the complaint whereas according to PW1, the police constable on receiving information at the police station he was sent to the spot. I find that the above constitute a serious material inconsistency in the prosecution evidence. In the circumstances, the revision petition is allowed and the accused is acquitted.

ks. **K.R.UDAYABHANU, JUDGE**

K.R.UDAYABHANU, J

CRL.R.P.NO.986 of 1999

ORDER

19-3-2007